

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 SHANA LEE MCCART-POLLAK,

4 Plaintiff,

5 vs.

6 BRETT SAEVITZON, *et al.*,

7 Defendants.  
8

Case No.: 2:20-cv-01624-GMN-MDC

**ORDER DIRECTING SUPPLEMENTAL  
BRIEFING**

9 The Ninth Circuit and Supreme Court precedents allow the Court to *sua sponte* order  
10 supplemental briefing. *See Warren v. C.I.R.*, 282 F.3d 1119, 1120 (9th Cir. 2002); *United States*  
11 *Nat'l Bank v. Independent Ins. Agents of America, Inc.*, 508 U.S. 439, 445–48 (1993).

12 In *Warren*, the Ninth Circuit explained:

13 When judges ask for supplemental briefing on an issue, it does not mean, as the dissent  
14 mistakenly asserts, that they have decided to reach a particular result. The purpose of  
15 requesting briefing in this case is to obtain more information in order to make a more  
16 informed and reasoned decision about *whether* to address an issue and, if so, how the  
issue should be resolved. Information, speech, and truth do not hurt; they only shed  
light. That is a fundamental tenet not only of our judicial system but of our democracy.

17 *Warren*, 282 F.3d at 1120 (Judge Reinhardt, concurring).

18 Therefore, based on the Court's broad discretion in allowing supplemental briefing, **IT**  
19 **IS HEREBY ORDERED:**

20 1. The parties shall file supplemental briefing on or before August 21, 2025, reflecting their  
21 respective positions on the following topics not addressed in Defendants' Motion for  
22 Summary Judgment:

23 a. The merits of Plaintiff's alter ego/piercing the corporate veil claim.

24 b. What events transpired after the filing of Defendants' complaint in the Trademark  
25 Suit that do or do not support Plaintiff's abuse of process claim?

c. The merits of Plaintiff's intentional infliction of emotional distress claim.

1 2. The parties may submit a memorandum of no more than 15 pages. The parties are  
2 instructed to fully brief the above three topics with applicable caselaw and cites to the  
3 record pursuant to Local Rule 7-2(d). The parties are also permitted to submit additional  
4 evidence.

5 **IT IS FURTHER ORDERED** that the Joint Pretrial Order deadline set in the Court's  
6 Minute Order, (ECF No. 330), is **VACATED**. The parties shall instead file a Joint Pretrial  
7 Order 21 days after the Court's Order addressing the supplemental briefing is entered.

8 **DATED** this 22 day of July, 2025.

9  
10 

11 \_\_\_\_\_  
12 Gloria M. Navarro, District Judge  
13 United States District Court  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25